

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

1:06cv25

**TRISM, INC., a North Carolina
Corporation d/b/a “Bedtyme Stories”;
DONNA L. EATON, an individual;
and JAYNE OWENS, an individual**

Plaintiffs,

Vs.

**ROY COOPER, in his official capacity
as the Attorney General of the State of
North Carolina,**

Defendant.

JUDGMENT

THIS MATTER having come before the court in accordance with 28, United States Code, Section 636(c), and on defendant’s Motion to Dismiss (#3), and it appearing that plaintiffs have not responded to such motion within the time allowed, and that defendant’s motion to dismiss is consistent with current case law, as discussed in the Memorandum of Decision filed simultaneously herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that defendant’s Motion to Dismiss is **GRANTED** and this action is **DISMISSED** in its entirety **WITHOUT PREJUDICE** for lack of subject matter jurisdiction, failure to state a claim, and for the other reasons discussed in the Memorandum of Decision filed simultaneously herewith.

Signed: March 29, 2006

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

